

# Hearing Officer Transmittal Checklist

Hearing Date 1/21/2014
Agenda Item No. 4

Project Number: R2006-00968-(2)  
Case(s): Conditional Use Permit Case No. 200600065  
Planner: Shaun Temple

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: 



Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012

**PROJECT NUMBER**

R2006-00968-(2)

**HEARING DATE**

January 21, 2014

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 200600065

# PROJECT SUMMARY

**OWNER / APPLICANT**

Raymundo Carreno

**MAP/EXHIBIT DATE**

August 9, 2013

**PROJECT OVERVIEW**

The applicant requests a conditional use permit (CUP) to authorize the continued sale of beer and wine for off-site consumption at an existing min-market and to maintain two residential units in a C-2 (Neighborhood Business) Zone. The sale of beer and wine for off-site consumption and the maintenance of the two residential units were originally approved by CUP No. 96-030-(2) in 1996 and expired on May 15, 2006.

**LOCATION**

6618 Holmes Avenue, Florence-Firestone

**ACCESS**

Holmes Avenue; East 67<sup>th</sup> Street

**ASSESSORS PARCEL NUMBER(S)**

6009-022-006

**SITE AREA**

0.08 Acres (3,611.5 sf)

**GENERAL PLAN / LOCAL PLAN**

General Plan

**ZONED DISTRICT**

Gage-Holmes

**LAND USE DESIGNATION**

4 – High Density Residential

**ZONE**

C-2 (Neighborhood Business Zone)

**PROPOSED UNITS**

None

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

Florence-Firestone

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.28.170 (C-2 Development Standards)
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.56.195 (Alcoholic beverage sales, for either on-site or off-site consumption)

**CASE PLANNER:**

Shaun Temple

**PHONE NUMBER:**

(213) 974 - 6443

**E-MAIL ADDRESS:**

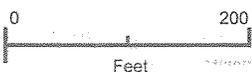
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# Department of Regional Planning

## R2006-00968: Property Location Map

Printed: Jan 08, 2014



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### ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) to authorize the continued sale of beer and wine for off-site consumption at an existing mini-market and to maintain two residential units in the C-2 (Neighborhood Business) Zone pursuant to County Code Section 22.28.160.

### PROJECT DESCRIPTION

The project is a request for a conditional use permit to allow the continued sale of beer and wine for off-site consumption (ABC license Type 20) at an existing mini-market and to maintain two residential units in the C-2 (Neighborhood Business) Zone. The proposed hours of sale for the beer and wine are the same as the business hours of the store, which would be 8am to 10pm, seven days a week.

The project site consists of a 756-square-foot mini-market with an attached 387-square-foot residential bungalow, which together occupy a 1,143-square-foot building that fronts Holmes Avenue. Behind the mini-market/bungalow and to the east on the property is a 484-square-foot detached two-car garage. To the east of the detached garage at the rear of the property is a 644-square-foot single-family residence. According to Assessor's records, the mini-market and bungalow were built in 1927, prior to the establishment of the Building Code in 1933. The detached garage and single-family residence were built in 1956, both with building permits. The mini-market, two residences, and detached garage are located on a single 3,611.5-square-foot parcel. The detached garage and single family residence have access to East 67<sup>th</sup> Street through a 60 foot legally established easement that runs through the east side of the neighboring property to the south, 6622 Holmes Avenue.

The market sold beer and wine for many years prior to 1992, but had a period of not selling any alcohol during the early to mid-1990s. As this period exceeded three months, pursuant to County Code Section 22.56.195(A), the owner was required to obtain a conditional use permit to be allowed the sale of alcohol. The current owner bought the property and market in 1994 and subsequently applied for a conditional use permit to authorize the sale of beer and wine for off-site consumption, which he obtained in 1996 under CUP 96030. This CUP also included maintaining the two residences in the C-2 zone. CUP 96030 expired on May 15, 2006. There is only one change from the previously approved CUP, that being the store hours would change from 8am - 8:30pm to 8am - 10pm. The mini-market is allowed by-right in the C-2 Zone, but is subject to the standards in the Florence-Firestone Community Standards District, which was adopted in 2004. Pursuant to the CSD, County Code Section 22.44.138.D.4.d.vii, the hours of operation for commercial uses in a mixed-use (residential/commercial use) lot shall be no earlier than 7:00a.m. and no later than 10:00p.m. daily. The proposed change complies with this requirement. No other changes or improvements are proposed for the site.

### EXISTING ZONING

The subject property is zoned C-2 (Neighborhood Business).

Surrounding properties are zoned as follows:

North: C-2 and M-1(Light Manufacturing Zone)

South: C-2 and R-4(Unlimited Residence Zone)

East: R-4 and M-1

West: C-2 and R-4

### EXISTING LAND USES

The subject property is developed with a mini-market with an attached residential bungalow, a detached two car garage, and a separate single family residence.

Surrounding properties are developed as follows:

North: Single-family residences, market, bakery, meat market, and a church

South: Single-family residences, multi-family residences

East: Single-family residences, multi-family residences, auto mechanic, and warehouses

West: Single-family residences, multi-family residences, and a retail store

### PREVIOUS CASES/ZONING HISTORY

Assessor's records indicate the market and attached bungalow were built in 1927. In 1948, Building Permit 3682 was issued to repair fire damages to the market and attached bungalow. In 1956, Building Permit 1089 was issued to build the single-family residence at the rear of the property and Building Permit 0792 was issued to build the detached two-car garage.

The single-family residence and the detached garage take their access from East 67<sup>th</sup> Street through a 60 foot easement, which passes through the eastern portion of the adjoining property to the south, 6622 Holmes Avenue (APN 6009-022-007). This easement was created in 1969 when the owner at the time sold the 6622 Holmes Avenue property and expressly reserved the 60 foot easement over the eastern portion of the sold property to favor the subject property. In 2012, the easement was reaffirmed in court through a Settlement and Release Agreement entered into by the current owners of the two properties.

In 1996, Conditional Use Permit 96-030 was issued to allow the sale of beer and wine for off-site consumption and to maintain residential structures in the C-2 Zone. CUP 96-030 expired on May 15, 2006.

### ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request to continue the sale of beer and wine for off-site consumption at an existing mini-market. There are no improvements proposed for the site. Therefore, staff

recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

## STAFF EVALUATION

### General Plan/Community Plan Consistency

The project site is located within the High Density Residential land use category of the Countywide General Plan. This designation is intended for medium and high-rise apartments and condominiums, three or more stories in height, with the intent to provide for high density residential development in appropriate locations, conveniently accessible to, or within multipurpose urban centers. This designation allows density to exceed 22 units per gross acre. The two residential units are consistent with this land use category. Two residential units on a 3,611.5-square-foot parcel is the equivalent density of 24 units per gross acre, which is consistent with the land use designation.

The mini-market is not a use that is consistent with the residential intent of this land use category; however, the mini-market was established in 1927 and pre-dates the General Plan. The sale of beer and wine is a use consistent with legally established markets. These uses are also supported by the following policies of the existing Land Use Element:

- *Policy 9. Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls.*

The mini-market has been serving the local residential neighborhood for 85 years. At 756 square feet, it is of an appropriate scale for a neighborhood market. The sale of beer and wine for off-site consumption would be an added convenience and service that the market would provide for the local neighborhood.

- *Policy 24. Promote compatible land use arrangements that reduce reliance on the private automobile in order to minimize related social, economic and environmental costs.*

The convenience and service of the sale of beer and wine as well as other convenience goods at the mini-market reduces the number and distance of vehicle trips for residents in the local neighborhood by providing this service at a neighborhood size store within a walkable or short driving distance from their home.

In addition, the General Plan Land Use Element General Conditions and Standards for Development provide guidance for the provision of Locally Serving Commercial and Industrial Services that are not mapped on land use maps. These services are defined as individual enterprises, or small scale multi-use centers, serving the needs of the local community, including:

1. *Facilities providing neighborhood or community convenience goods and services; and,*

The guidelines related to the location of Locally Serving Commercial Services include:

1. *The proposed use should be easily accessible and situated at community focal points such as major intersections; and,*
2. *The proposed use should not disrupt existing residential neighborhoods nor conflict with established circulation patterns.*

The existing use as a mini-market meets these guidelines. The mini-market serves the surrounding neighborhood and provides an essential service to local residents, and is located at an easily accessible, major intersection in the community.

### Zoning Ordinance and Development Standards Compliance

#### **C-2 Zone**

The mini-market is a by-right use in the C-2 Zone and was built legally in 1927 prior to the establishment of the building code in 1933. The bungalow and single-family residence are uses subject to a CUP in the C-2 Zone. The bungalow was built legally in 1927. The single family residence was legally built in 1956 under Building Permit 1089.

The net area occupied by all buildings is 63 percent, which is below the maximum 90 percent lot coverage allowed in the zone. The detached parking garage, built in 1956 under Building Permit 1089, provides two covered off-street parking spaces for the single family residence. There is no parking provided for the mini-market or its attached bungalow. Due to the small size and width of the subject parcel, it is physically impossible to provide on-site parking for these uses. However, these structures were legally built in 1927, before parking requirements. Therefore, while the project site does not meet parking requirements, it is considered legal, non-conforming. Over ten years ago, the owner applied for and received permission to have two green curb side parking spaces (temporary 30-minute marked) on Holmes Avenue located directly in front of the mini-market to create a high turn-over rate of parking in front of the store.

#### **Florence Firestone CSD**

The subject property meets the Florence-Firestone Community Standards District (CSD) C-2 Zone Specific Development Standards, except mixed-use development standards. It does not meet the yard requirements for mixed-use development, which is 15 feet in the front, 5 feet in the interior sides, and 15 feet in the rear. It also does not meet the mixed-use development standard that states that any common wall between a residential and commercial use shall be constructed in accordance with building code requirements to minimize noise and vibration between the uses. The development on the property predates the adoption of the Florence-Firestone CSD, which was approved in 2004, and as such is considered legal, non-conforming.

### **Alcoholic Beverage Sales**

There are two establishments within 500-feet of the project that have a license to sell alcohol. One establishment, Holmes Meat Market, has a Type 20 license for the off-site sale of beer and wine. The other establishment, A&J Market, is a liquor store and has a Type 21 license for the off-site general sale of alcohol. Per County standards, the location of other uses that sell alcohol for off-site consumption within 500 feet of the proposed project results in an overconcentration of alcohol permits in the area and requires a finding of public convenience and necessity. The market has been part of the community for 85 years and its primary sales are non-alcoholic convenience goods. These goods include milk, eggs, bread, prepackaged and canned foods, toiletries, and other household goods. The sale of beer and wine will provide local residents with a more complete shopping service within one location in their neighborhood without having them travel to a farther location to make purchases, which makes it a public convenience and necessity to the neighborhood. In addition, because there is an overconcentration of alcohol permits with a 500-foot radius, the market's shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

There is one sensitive use, a church, that is located within 600 feet of the subject property. However, the church is buffered from the market by 66<sup>th</sup> Street. In addition, the market is limited to not more than five percent of the shelf space that can be devoted to the sale of beer and wine. As a result, the market's sale of beer and wine will not have an impact on the church.

### Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040 (Conditional Use Permit) and 22.56.195 B. (Alcoholic Beverage Sales) of the County Code. The Burdens of Proof with applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof.

### Neighborhood Impact/Land Use Compatibility

The market and on-site residences are compatible with the existing community character and development pattern along Holmes Avenue, which is a street with a mixture of residences (both single and multi-family) and commercial uses, which include a bakery, a meat-market, a market, and a retail shop. The mini-market does not meet current development standards in regards to parking, landscaping, and setback requirements; however, it was approved to the standards of its day, and therefore is legal-nonconforming. The project site is adequately served by existing utility and street infrastructure. There are no proposed improvements to the establishment, so the aesthetic character of the neighborhood will not change.

The market is not buffered to the residential area. It is part of a mixed-use (commercial/residential) lot and the adjoining parcels to the north and south are also residential. However, the market is of an appropriate scale at 756-square-feet to serve as a neighborhood market without having an adverse affect on nearby residences. The market has an 85 year history in the area and there is no record of public complaint.

The majority of the market's customers are regulars from the neighborhood who come in to buy only a few items at a time and they know exactly where those items are in the store due to their regularity. As a result, they often don't spend more than 10 minutes at a time in the store. Because of these short visits, there normally aren't more than a couple customers in the store at one time, as a result of this, in addition to many of their customers coming to the store by foot, the two short term curb parking spaces provides adequate parking so as not to create spillover parking in the residential neighborhood.

## COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

### Los Angeles County Sheriff's Department

The Century Sheriff Station reports that there have been no calls for disturbance-type incidents at the property during the past five years. The station recommends approval of the granting of a permit to sell beer and wine at the mini-market.

## OTHER AGENCY COMMENTS AND RECOMMENDATIONS

### California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) shows that the site is within an area that has an undue concentration of alcohol sales. The subject site is within Census Tract 5330.02. Seven ABC licenses exist in an area where three are authorized. The number authorized is based on a ratio of licenses per population and can be exceeded if the local governing body determines that it provides a public convenience or necessity.

## LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

## PUBLIC COMMENTS

Staff has not received any comments at this time.

## FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

## STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2006-00968-(2), Conditional Use Permit Number 200600065, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 200600065 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Shaun Temple, Regional Planning Asst. II, Zoning Permits West Section  
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:  
Draft Findings,  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan, Land Use Map

MKK:SCT  
1/9/14

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2006-00968-(2)  
CONDITIONAL USE PERMIT NO. 200600065**

1. **ENTITLEMENT REQUESTED.** The applicant, Raymundo Carreno, is requesting a Conditional Use Permit (CUP) to authorize the continued sale of beer and wine for off-site consumption at an existing mini-market and to maintain two residential units in the C-2 (Neighborhood Business) Zone pursuant to County Code Section 22.28.160 in the C-2 (Neighborhood Business) Zone.
2. **HEARING DATE.** January 21, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** [REDACTED]
4. **PROJECT DESCRIPTION.** The project is a request for a conditional use permit to allow the continued sale of beer and wine for off-site consumption (ABC license Type 20) at an existing mini-market and to maintain two residential units in the C-2 (Neighborhood Business) Zone. The hours of sale for the beer and wine are the same as the business hours of the store: 8am to 10pm, seven days a week.

The project site consists of a 756-square-foot mini-market with an attached 387square-foot residential bungalow, which together occupy a 1,143-square-foot building that fronts Holmes Avenue. Behind the mini-market/bungalow and to the east on the property is a 484-square-foot detached two-car garage. To the east of the detached garage at the rear of the property is a 644-square-foot single-family residence. According to Assessor's records, the mini-market and bungalow were built in 1927, prior to the establishment of the Building Code in 1933. The detached garage and single-family residence were built in 1956, both with building permits. The mini-market, two residences, and detached garage are located on a single 3,611.5-square-foot parcel. The detached garage and single family residence have access to East 67<sup>th</sup> Street through a 60-foot legally established easement that runs through the east side of the adjoining property to the south.

The market sold beer and wine for many years prior to 1992, but had a period of not selling any alcohol during the early to mid-1990s. As this period exceeded three months, pursuant to County Code Section 22.56.195(A), the owner was required to obtain a conditional use permit to be allowed the sale of alcohol. The current owner bought the property and market in 1994 and subsequently applied for a conditional use permit to allow the sale of beer and wine for off-site consumption, which he obtained in 1996 as CUP 96030. This CUP also included maintaining the two residences in the C-2 Zone. CUP 96030 expired on May 15, 2006. There is only one change from the previously approved CUP, that being that the store hours would change from 8am - 830pm to 8am -10pm. In the Florence-Firestone Community Standards District, adopted in 2004, pursuant to Code Section 22.44.138.D.4.d.vii, the hours of operation for commercial uses in a mixed residential/commercial use (C-2 Zone) shall be no earlier than 7:00a.m. and no

later than 10:00p.m. daily. The proposed hours for the minimarket and the sale of alcohol are in conformance with this requirement. No improvements are proposed for the site.

5. **LOCATION.** The subject restaurant is located at 6618 Holmes Avenue, Florence-Firestone, within an unincorporated area of Los Angeles County.
6. **EXISTING ZONING.** The subject property is zoned C-2 (Neighborhood Business) and is located within the Florence-Firestone CSD. Properties to the north are zoned C-2 and M-1 (Light Manufacturing). Properties to the east are zoned R-4 (Unlimited Residence) and M-1. Properties to the South are zoned C-2 and R-4. Properties to the West are zoned C-2 and R-4.
7. **EXISTING LAND USES.** The subject property is developed as a mixed-use with a market and residential unit sharing a common wall in a single one-story building. There is also a separate single-family residence and a detached garage located on-site. Properties to the north are single-family residences, market, bakery, meat market, and a church. Properties to the south are single-family and multi-family residences. Properties to the east are single-family and multifamily residences, auto-mechanic, and warehouses. Properties to the west are single-family and multifamily residences and a retail store.
8. **PREVIOUS CASES/ZONING HISTORY.** Assessor's records indicate the market and attached bungalow were built in 1927. In 1948, Building Permit 3682 was issued to repair fire damages to the store and attached bungalow. In 1956, Building Permit 1089 was issued to build the single-family residence at the rear of the property and Building Permit 0792 was issued to build the detached two-car garage.

The single-family residence and the detached garage take their only access through a 60 foot easement to 67<sup>th</sup> Street, which passes through the eastern portion of the adjoining property to the south, 6622 Holmes Avenue (APN 6009-022-007). This easement was created in 1969 when the owner at the time sold the 6622 Holmes Avenue property and expressly reserved the 60 foot easement over the eastern portion of the sold property to favor the subject property. In 2012, the easement was reaffirmed in court through a Settlement and Release Agreement entered into by the owners of both properties.

In 1996, Conditional Use Permit 96-030 was issued to allow the sale of beer and wine for off-site consumption and to maintain residential structures in a C-2 zone. CUP 96-030 expired on May 15, 2006.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the High Density Residential land use category of the Countywide General Plan. This designation is intended for medium and high-rise apartments and condominiums, three or more stories in height, with the intent to provide for high density residential development in appropriate locations, conveniently

accessible to, or within multipurpose urban centers. This designation allows density to exceed 22 units per gross acre. The two residential units are consistent with this land use category as the two residential units on a 3,611.5 square foot parcel is the equivalent density of 24 units per gross acre.

The mini-market was established in 1927 and pre-dates the General Plan. However, the following policies of the existing Land Use Element support the continuation of the neighborhood mini-market and the sale of alcohol

- *Policy 9. Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls.*
- *Policy 24. Promote compatible land use arrangements that reduce reliance on the private automobile in order to minimize related social, economic and environmental costs.*

The mini-market has been serving the local residential neighborhood for 85 years. At 756 square feet, it is of an appropriate scale for a neighborhood market. The sale of beer and wine for off-site consumption would be an added convenience and service that the market would provide for the local neighborhood.

The convenience and service of the sale of beer and wine as well as other convenience goods at the mini-market reduces the number and distance of vehicle trips for residents in the local neighborhood by providing this service at a neighborhood size store within a walkable or short-drive distance from their home.

A neighborhood market is consistent with the General Plan Land Use Element General Conditions and Standards for Development, which provides guidance for the provision of Locally Serving Commercial and Industrial Services that are not mapped on land use maps. These services are defined as individual enterprises, or small scale multi-use centers, serving the needs of the local community by providing neighborhood or community convenience goods and services.

The guidelines related to the location of Locally Serving Commercial Services include:

1. *The proposed use should be easily accessible and situated at community focal points such as major intersections; and,*
2. *The proposed use should not disrupt existing residential neighborhoods nor conflict with established circulation patterns.*

The existing uses as a mini-market and two residential units were legally established in their time and meet these guidelines. The mini-market serves the surrounding neighborhood and provides an essential service to local residents, and is located at an easily accessible, major intersection in the community.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The mini-market is a by-right use in the C-2 Zone and was built legally in 1927 prior to the establishment of the building code in 1933. The bungalow and single-family residence are uses subject to permit in a C-2 Zone. The bungalow was built legally in 1927 prior to the establishment of the building code in 1933. The single family residence was legally built in 1956 under Building Permit 1089.

The project complies with the lot coverage requirement. The net area occupied by all buildings is 63 percent, which is below the maximum 90 percent lot coverage allowed in a commercial zone. The detached parking garage, built in 1956 under Building Permit 1089, provides two covered off-street parking spaces for the single family residence. There is no parking provided for the mini-market or its attached bungalow. However, these structures were legally built in 1927, before parking requirements. Due to the small size and width of the subject parcel, it is physically impossible to provide on-site parking for these uses. Therefore, while the project site does not meet parking requirements, it is considered legal, non-conforming. Over ten years ago, the owner applied for and received permission to have two green curb side parking spaces (temporary 30-minute marked) on Holmes Avenue located directly in front of the mini-market to create a high turn-over rate of parking in front of the store.

The subject property does not meet the Florence-Firestone CSD yard requirements for mixed-use development, which is 15 feet in the front, 5 feet in the interior sides, and 15 feet in the rear. It also does not meet the mixed-use development standard that states that any common wall between a residential and commercial use shall be constructed in accordance with building code requirements to minimize noise and vibration between the uses. The development on the property predates the adoption of the Florence-Firestone CSD, which was approved in 2004, and as such is considered legal, non-conforming.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The market and on-site residences are compatible with the existing community character and development pattern along Holmes Avenue, which is a street with a mixture of residences (both single and multi-family) and commercial uses, which include a bakery, a meat-market, a market, and a retail shop. The market does not meet current development standards in regards to parking, landscaping, and setback requirements; however, it was approved to the standards of its day, and therefore, is legal, nonconforming. The project site is adequately served by existing utility and street infrastructure. There are no proposed improvements to the establishment, so the aesthetic character of the neighborhood will not change.

The market's request for the sale of beer and wine for off-site consumption will not adversely affect the surrounding community or general welfare of the area. There is one sensitive use, a church, that is located within 600 feet of the subject property. In addition, the primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted

to the sale of beer and wine. In addition, the church is buffered from the market by 66<sup>th</sup> Street. So this use will not have an impact on the church.

There are two establishments within 500-feet of the project that have a license to sell alcohol. One establishment, Holmes Meat Market, has a Type 20 license for the off-site sale of beer and wine. The other establishment, A&J Market, has a Type 21 license for the off-site general sale of alcohol. Per County standards, the location of other uses that sell alcohol for off-site consumption within 500 feet of the proposed project results in an overconcentration of alcohol permits in the area and requires a finding of public convenience and necessity. This market has been part of the community for 85 years and less than five percent of its shelf space will be dedicated to the sale of beer and wine. Its primary sales are non-alcoholic convenience goods. The sale of beer and wine will provide local residents with a more complete shopping service within one location in their neighborhood without having them travel to a farther location to make purchases, which makes it a public convenience and necessity to the neighborhood.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Century Sheriff Station reports that there have been no calls for disturbance-type incidents at the property during the past five years. The station recommends the granting of a permit to sell beer and wine at the market.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Statistical data from the California Department of Alcoholic Beverage Control (ABC) shows that the site is within an area that has an undue concentration of alcohol sales. The subject site is within Census Tract 5330.02. Seven ABC licenses exist in an area where three are authorized. The number authorized is based on a ratio of licenses per population and can be exceeded if the local governing body determines that it provides a public convenience or necessity.
14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. **PUBLIC COMMENTS.** Staff has not received any comments at this time.

#### **CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

16. The two residential units on a 3,611.5 square foot parcel is the equivalent density of 24 units per gross acre, which is consistent with the High Density Residential land use category that allows 22 or more units. The mini-market has been existence for 85 years and serves as a neighborhood commercial facility which provides convenience goods and services and complements community character through appropriate scale, design, and location. It therefore is supported by Policies 9 and 24 of the existing Land Use Element as well as the provision of Locally Serving Commercial and Industrial Services that are not mapped on land

use maps. Therefore, the sale of beer and wine for off-site consumption at the existing mini-market and the maintenance of two dwelling units in the C-2 Zone are consistent with the adopted general plan for the area.

17. The market and on-site residences are compatible with the existing community character and development pattern along Holmes Avenue, which is a street with a mixture of residences (both single and multi-family) and commercial uses. The structures on-site have been in existence for over 50 years and there are no proposed improvements. The primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted to the sale of beer and wine. In the past five years there have been no calls for disturbance to the Century Sheriff's Station for this property. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
18. The project site is not adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22; however, all structures were built legally at the time and therefore are legal, non-conforming.
19. The project site is an existing mini-market and two residential units and does not propose any new construction. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
20. There is one sensitive uses that is located within 600 feet of the subject property: a church. The primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted to the sale of beer and wine. The Century Sheriff Station reports that there have been no calls for disturbance-type incidents at the property during the past five years. In addition, the church is buffered from the market by 66<sup>th</sup> Street to the south. Therefore, the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
21. The mini-market is located in a neighborhood that is mixed with commercial and residential uses. The mini-market provides convenience goods and services to the residential uses it is surrounded by and complements community character through appropriate scale, design, and location. The primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted to the sale of beer and wine. There have been no calls for disturbance-type incidents at the property during the past five years. Therefore, the

requested use at the proposed location will not adversely affect the residential uses within the immediate vicinity.

22. There are two establishments within 500-feet of the project that have a license to sell alcohol. Pursuant to Title 22 of the County Code, the presence of another facility selling alcoholic beverages for off-site consumption within 500 feet is construed as overconcentration, which requires a finding of public convenience and necessity and shelf space devoted to the sale of beer and wine to be limited to not more than five percent of the total shelf space in the establishment.
23. The sale of beer and wine at the mini-market is a public convenience and necessity and provides an economic service to the community and will take place in a neighborhood market that provides a variety of convenience goods and services to the local residents. Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
24. The project site is located in an existing mini-market and no new construction is proposed. Therefore, the exterior appearance of the structure is not inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood. The structures have been maintained to not cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

## ENVIRONMENTAL DETERMINATION

25. The project is a request for a permit to sell on-site alcoholic beverages as an accessory use to an existing mini-market and to permit the maintenance of two existing residential units in a C-2 zone. Therefore, the project qualifies for the Class I – Existing Facilities Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
26. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That all on-site structures were built according to the laws of their day and are legal, non-conforming.; and
- D. That the site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

WITH RESPECT TO ALCOHOLIC BEVERAGE SALES:

- E. That the requested use at the location will not adversely affect the use of a placed used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. That the requested use at the location will not adversely affect the residential uses within the immediate vicinity.
- G. That the mini-market provides convenience goods and serves to the local neighborhood and that the shelf space devoted to the sale of beer and wine shall be limited to not more than five percent of the total shelf space in the establishment outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages.
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit and alcoholic beverage sales as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200600065 is Approved subject to the attached conditions.

**ACTION DATE:** [REDACTED]

MKK:SCT  
1/9/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2006-00968-(2)  
CONDITIONAL USE PERMIT NO. 200600065**

**PROJECT DESCRIPTION**

The project is a request for a CUP to allow the continued sale of beer and wine for off-site consumption (ABC license Type 20 – Off Sale, Beer and Wine) at an existing mini-market and the maintenance of two residential units in the C-2 (Neighborhood Business) Zone located at 6618 Holmes Avenue within the unincorporated community of Florence-Firestone. No new construction or expansion of the mini-market or residences is proposed with this application. This grant is subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual

costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on January 21, 2029.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, the continued sale of beer and wine at the mini-market, the continued maintenance of the two residential units, and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of

the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. This grant authorizes the sale of alcoholic beverages from 8a.m. to 10p.m., seven days a week.
26. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
27. No display of alcoholic beverages shall be made from an ice tub.
28. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises.
29. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.
30. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
31. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
32. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
33. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold.

34. The permittee shall provide adequate lighting above all entrances and exits to the premises.
35. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.
36. The sale of fortified wines shall be prohibited;
37. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

- A. That the requested use at the location proposed will not:
  - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Please refer to attached

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- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Please refer to attached

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- C. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - 2. By other public or private service facilities as are required

Please refer to attached

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## CONDITIONAL USE PERMIT BURDEN OF PROOF

- A.1 The proposed use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. This is a request of a conditional use permit to maintain retail sales and off-site consumption of beer and wine for an existing convenience food store under a previously approved 10-year conditional use permit (CUP 96030) in 1996. There is one existing church approximately 500' north of the subject property. There is also a residential unit on the rear of the property.
- A.2 The proposed use will not be detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. This is a conditional use permit to maintain retail sales and off-site consumption of beer and wine for an existing convenience food store of a previously approved conditional use permit due to expire this year. The existing uses in the surrounding vicinity are consistent with this use in that they neighborhood commercial uses mixed with light industrial and residential. (please refer to land use map).
- A.3 The proposed use will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. This has been an existing use for ten years. There have no reported problems associated with this use.
- B The site is adequate in size and shape to accommodate the yards, wall, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. This has been an existing use for ten years. There is no expansion being proposed to the existing use.
- C.1 The site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind of quantity of traffic such use would generate. The parking to the property is accessible from 67<sup>th</sup> Street through an easement on the two south adjoining properties. (Please refer to site plan)
- C.1 The site is adequately served by public improvements on both Holmes Ave and 67<sup>th</sup> Street.

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES Section 22.56.195

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school park, playground or any similar use within a 600-foot radius;

Please refer to attached

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2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

Please refer to attached

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3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500 foot of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment;

Please refer to attached

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4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community;

Please refer to attached

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5. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood;

Please refer to attached

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NOTE: additional sheets may be attached to answer the above statements.

ADDENDUM BURDEN OF PROOF, ALCOHOL BEVERAGE SALES SECTION 22.56.195

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school park, playground or any similar use within a 600-foot radius.

There is a church approximately 500' to the north of the subject. However, this is a request for continuation of an existing use that has been there for ten years. There have been no reported problems associated with this use.

2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

There are surrounding residential uses in the surrounding area. However, this has been an existing use at this location for the last ten years.

3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 foot of any other facility selling alcoholic beverage for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

This request will not result in undue concentration of similar establishments in the area. This is merely a continuation of an existing use.

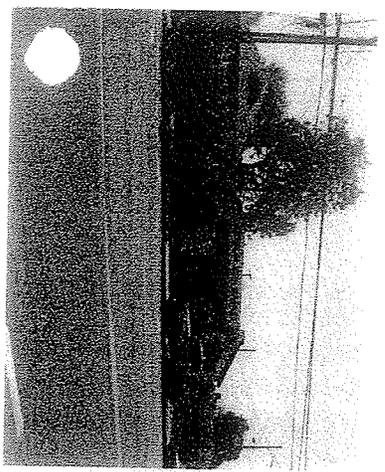
4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

This existing use provides the convenience for people who live in the surrounding area with limited mobility to be able to purchase groceries, including beer and wine, and other sundries.

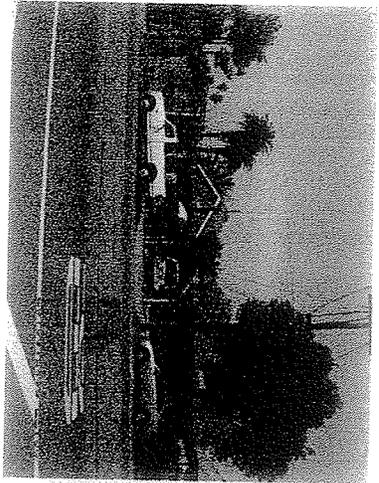
5. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The exterior appearance of the building or site will not be changed or altered as a result of the application.

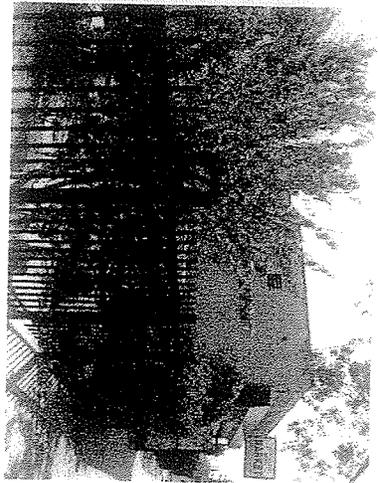




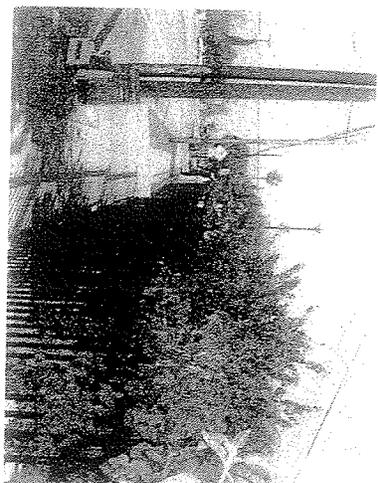
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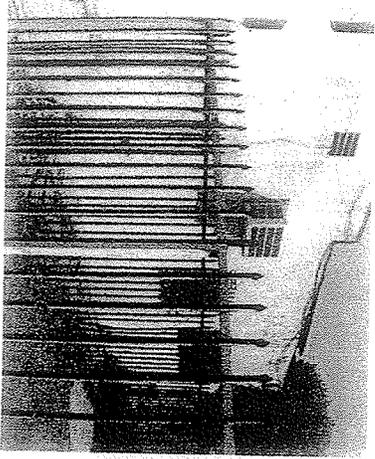
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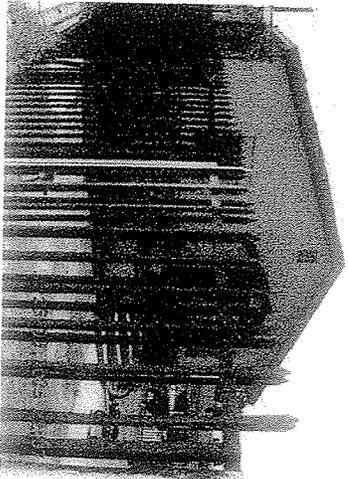
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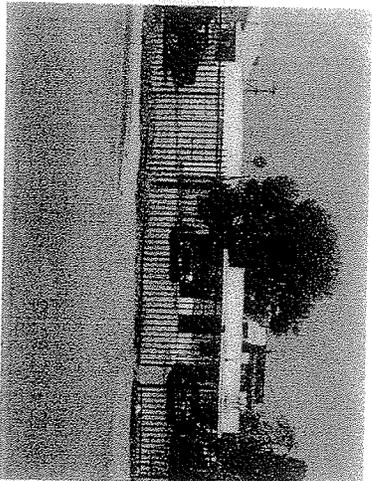
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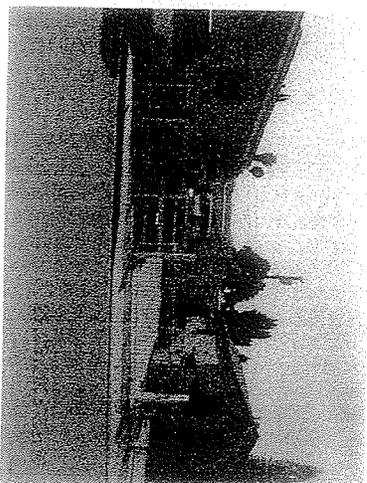
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# Department of Regional Planning

## R2006-00968: Zoning & Land Use

Printed: Jan 09, 2014



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